

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GREAT WESTERN INSURANCE COMPANY

Plaintiff,

vs.

MARK GRAHAM, DONALD SOLOW, BLUE
CAPITAL MANAGEMENT, INC., BLUE
ALTERNATIVE ASSET MANAGEMENT LLC,
WILMINGTON SAVINGS FUND SOCIETY, FSB,
CHRISTIANA TRUST, REGATTA HOLDINGS
LLC, CYGNET 001 MASTER TRUST, CYGNET
001 MASTER TRUST SERIES 2011-A, CYGNET
001 MASTER TRUST SERIES 2011-C, CYGNET
001 MASTER TRUST SERIES 2013-A, ALPH RE
LIMITED, ALPHA RE HOLDINGS (CAYMAN)
LIMITED, ATLANTIC SPECIALTY FINANCE,
BLUE ELITE FUND LTD., BLUE ELITE FUND
LP, BLUE II LTD., SANCUS CAPITAL BLUE
CREDIT OPPORTUNITIES FUND LTD.,
ABILITY INSURANCE COMPANY, JOHN
DRAKE, EDWARD BRENDAN LYNCH, AND
GREGORY TOLARAM.

Defendants.

Case No. 18-cv-06249 (VSB)

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the accompanying memorandum of law and all the prior pleadings and proceedings herein, Defendant Sancus Capital Blue Credit Opportunities Fund, Ltd. ("Sancus"), by and through its attorneys, Seward & Kissel LLP, will move this Court before the Honorable Vernon S. Broderick, at the Thurgood Marshall United States Courthouse located at 40 Foley Square, Courtroom 518, New York, New York 10007, at a time and date convenient for the Court, for an Order pursuant to Federal Rules of Civil Procedure 9(b) and 12(b)(6) dismissing the First Amended Complaint filed by Great Western Insurance Company with prejudice as to Sancus, and granting such other and further relief as the Court deems just and proper.

New York, New York
October 31, 2018

Respectfully submitted,

SEWARD & KISSEL LLP

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